



February 14, 2001

SENATE BILL No. 133

DIGEST OF SB 133 (Updated February 12, 2001 1:12 PM - DI 52)

Citations Affected: IC 13-30; noncode.

Synopsis: Environmental crimes. Removes from the category of environmental violations that are Class D felonies violations of: (1) rules or standards adopted by the air pollution control board, the water pollution control board, and the solid waste management board; and (2) determinations, permits, and orders made or issued by the commissioner of the department of environmental management under environmental management laws. Directs the environmental quality service council (or a committee designated by the legislative council if the EQSC is not in existence) to conduct a review, conduct a public hearing, and make recommendations to the general assembly as to which intentional, knowing, or reckless violations of such rules or standards or of types of such determinations, permits, and orders constitute a misdemeanor or a felony.

Effective: July 1, 2001.

Kenley

January 8, 2001, read first time and referred to Committee on Environmental Affairs.
February 13, 2001, amended, reported favorably — Do Pass.

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SB 133—LS 6730/DI 69+



February 14, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 133

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-30-6-1, AS AMENDED BY P.L.112-2000,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2004]: Sec. 1. (a) A person who intentionally,
4 knowingly, or recklessly violates:

5 (1) environmental management laws;

6 (2) air pollution control laws; **or**

7 (3) water pollution control laws;

8 ~~(4) a rule or standard adopted by one (1) of the boards; or~~

9 ~~(5) a determination, a permit, or an order made or issued by the~~
10 ~~commissioner under environmental management laws or IC 13-7~~
11 ~~(before its repeal);~~

12 commits a Class D felony.

13 (b) Notwithstanding IC 35-50-2-7(a), a person who is convicted of
14 a Class D felony under this section (or IC 13-7-13-3(a) before its
15 repeal) may, in addition to the term of imprisonment established under
16 IC 35-50-2-7(a), be punished by:

17 (1) a fine of not less than five thousand dollars (\$5,000) and not

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more than fifty thousand dollars (\$50,000) per day of violation; or
 (2) if the conviction is for a violation committed after a first
 conviction of the person under this section (or IC 13-7-13-3(a)
 before its repeal), a fine of not more than one hundred thousand
 dollars (\$100,000) per day of violation.

SECTION 2. [EFFECTIVE JULY 1, 2001] (a) For purposes of this
 SECTION, "council" refers to the environmental quality service
 council.

(b) If the council is reestablished by the general assembly and is
 in existence on July 1, 2001, the council shall carry out the
 requirements of subsections (c) through (f).

(c) The council shall review:

(1) the rules and standards referred to in IC 13-30-6-1(a)(4)
 (before its amendment by this act); and

(2) the types of:

(A) determinations;

(B) permits; and

(C) orders;

referred to in IC 13-30-6-1(a)(5) (before its amendment by
 this act).

(d) The council shall adopt recommendations as to:

(1) which intentional, knowing, or reckless violations of rules
 and standards referred to in subsection (c)(1) (or parts of
 those rules and standards) constitute:

(A) a misdemeanor; or

(B) a felony; and

(2) which intentional, knowing, or reckless violations of types
 of determinations, permits, and orders referred to in
 subsection (c)(2) (or parts of those types of determinations,
 permits, and orders) constitute:

(A) a misdemeanor; or

(B) a felony.

(e) Before adopting final recommendations under subsection (d),
 the council shall hold a public hearing on its proposed
 recommendations. The council shall give notice of the public
 hearing under IC 5-3-1.

(f) Before December 1, 2002, the council shall submit to the
 legislative council in bill form its final recommendations adopted
 under subsection (d).

(g) If the council is not in existence on July 1, 2001, the
 legislative council shall:

(1) designate an existing interim study committee; or



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- 1 **(2) establish an interim study committee;**
2 **to carry out the requirements of subsections (c) through (f).**
3 **(h) This SECTION expires January 1, 2003.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 133, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective date in SECTION 1 with "[JANUARY 1, 2004]".

Page 1, line 6, after "laws;" insert "**or**".

Page 1, line 7, delete "or".

Page 1, line 9, delete "(4)".

Page 1, line 9, strike "a determination, a permit, or an order made or issued by".

Page 1, strike lines 10 through 11.

Page 2, after line 5, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JULY 1, 2001] (a) For purposes of this SECTION, "council" refers to the environmental quality service council.

(b) If the council is reestablished by the general assembly and is in existence on July 1, 2001, the council shall carry out the requirements of subsections (c) through (f).

(c) The council shall review:

(1) the rules and standards referred to in IC 13-30-6-1(a)(4) (before its amendment by this act); and

(2) the types of:

(A) determinations;

(B) permits; and

(C) orders;

referred to in IC 13-30-6-1(a)(5) (before its amendment by this act).

(d) The council shall adopt recommendations as to:

(1) which intentional, knowing, or reckless violations of rules and standards referred to in subsection (c)(1) (or parts of those rules and standards) constitute:

(A) a misdemeanor; or

(B) a felony; and

(2) which intentional, knowing, or reckless violations of types of determinations, permits, and orders referred to in subsection (c)(2) (or parts of those types of determinations, permits, and orders) constitute:

(A) a misdemeanor; or

(B) a felony.

(e) Before adopting final recommendations under subsection (d),



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the council shall hold a public hearing on its proposed recommendations. The council shall give notice of the public hearing under IC 5-3-1.

(f) Before December 1, 2002, the council shall submit to the legislative council in bill form its final recommendations adopted under subsection (d).

(g) If the council is not in existence on July 1, 2001, the legislative council shall:

(1) designate an existing interim study committee; or

(2) establish an interim study committee;

to carry out the requirements of subsections (c) through (f).

(h) This SECTION expires January 1, 2003."

and when so amended that said bill do pass.

(Reference is to SB 133 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 8, Nays 0.

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